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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,475	12/07/2004	Dominique Beaufort	FR 020055	6119
24737 7590 03/19/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
BROOKS, MATTHEW L.				
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3629				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,475

Applicant(s)

BEAUFORT ET AL.

Examiner

MATTHEW L. BROOKS

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 8 is not in proper form and is objected to because of the following informalities: It not clear if this is dependent. For purposes of examination it is determined to be dependent upon claim 2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application EP 0 785 537 A1; 23.07.1997 (Toyota) in view of US 20020055852 A1 (Little).

Art Unit: 3629

5. With respect to **claim 1** : Toyota teaches

A system comprising at least a communication network, a user entity and a server entity (Fig 12), said user entity comprising:

means for defining at least one itinerary search criterion and at least one service (Fig 12, 110 – input device AND Fig 2b –“goal” AND C1, 50-53 “input means”);

means for sending an itinerary search request to said server entity via said communication network, said request comprising at least said search criterion and said service (Fig 12, 110 – input device and Fig 2b –“goal”);

means for receiving a response via said communication network (Fig 12, 110 – input device and Fig 2b –“goal”);

means for presenting said response (Fig 12, 120, display device),
said server entity comprising:

means for receiving said itinerary search request (Fig 12, 110 – input device and Fig 2b –“goal”);

means for computing at least one itinerary from said search criterion by using a transport database (Fig 7 and Fig 1, 12 and C2, 25-35);

means for selecting at least one provider providing said service and fulfilling at least one proximity condition with respect to the computed itinerary by using a database of service providers (Fig 2 and Fig 9 provider equivalent to “restaurant” and C1, 55-60 database stores data on service facilities);

Art Unit: 3629

means for sending, to said user entity via said communication network, a response comprising the computed itinerary with localization of the selected provider (Fig 6).

Toyota fails to teach "itinerary considering forms of transportation" in proximity determination.

Little teaches when a restaurant comes up that meets user search criterion but requires a boat (different form of transportation) it is then considered a disqualifying factor. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the teachings of Toyota to include the mode of transportation while planning a users itinerary per the teachings of Little, for the advantage of not including locations that are only accessible by boat.

6. With respect to **claim 2** : Toyota teaches

means for receiving an itinerary search request, said request comprising at least one search criterion and at least one service (Fig 12, 110 – input device and Fig 2b –“goal”);

means for computing at least one itinerary from said search criterion by using a transport database (Fig 7 and Fig 1, 12);

means for selecting at least one provider providing said service and fulfilling at least one proximity condition with respect to the computed itinerary by using a database of service providers (Fig 2 and Fig 9 provider equivalent to “restaurant”);

Art Unit: 3629

means for sending a response comprising the computed itinerary with localization of the selected provider (Fig 6).

7. With respect to **claim 3** : Toyota teaches

defining at least one itinerary search criterion and at least one service (Fig 12, 110 – input device AND Fig 2b –“goal” AND C1, 50-53 “input means”);

computing at least one itinerary responding to said search criterion by using a transport database (Fig 7 and Fig 1, 12 and C2, 25-35);

selecting at least one provider providing said service which fulfills at least one proximity condition with respect to the computed itinerary by using a database of service providers (Fig 2 and Fig 9 provider equivalent to “restaurant” and C1, 55-60 database stores data on service facilities);

presenting the computed itinerary with localization of the selected provider (Fig 12, 120, display device).

8. With respect to **claim 5** : Toyota teaches, wherein the computed itinerary traverses one or several zones each being of a certain type, and said proximity condition is adapted accordingly as a function of the type of traversed zones (Fig 11, A-B AND Fig 7, cells equivalent to zones).

9. With respect to **claim 6** : Toyota teaches above is characterized in that said step of defining the service can be executed independently of the itinerary computation, and in that the services defined are stored in a current list intended to be used during the itinerary computation (This is interpreted as 2B as traveler

Art Unit: 3629

proceeds through itinerary if unexpected obstacle occurs (traffic jam) then the system may recalculate itinerary based upon alternate services with in geographical area/zone/cell).

10. With respect to **claim 7** : Toyota teaches a program comprising instructions for performing an itinerary search method as claimed in claim 3, when it is executed by a processor (C5, 40-45).

11. With respect to **claim 8** : Toyota teaches a signal conveying an itinerary search request comprising at least one itinerary search criterion and at least one service, said request being addressed to a server entity as claimed in claim 2 (Fig 12, signal between transceiver, 116 and Data Base, 100).

Response to Arguments

12. Applicant's arguments with respect to claims 1-3 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

Art Unit: 3629

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Brooks whose telephone number is (571) 272-8112. The examiner can normally be reached on Monday - Friday; 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLB

3/14/2009

/JOHN G WEISS/

Supervisory Patent Examiner, Art Unit 3629